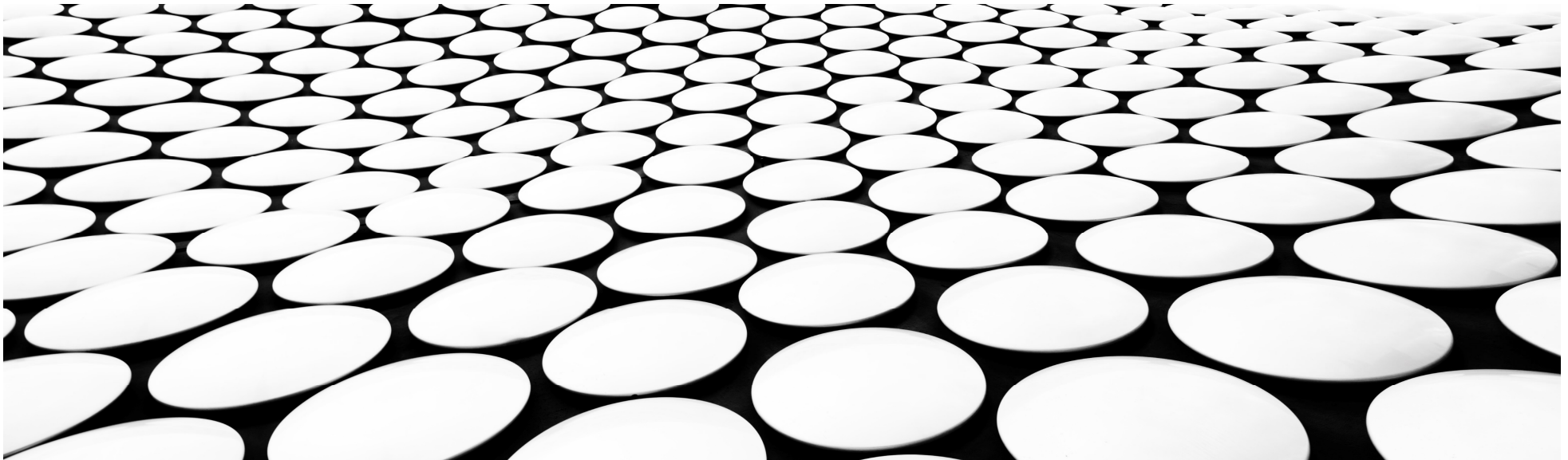


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# **HB 287 VILLAGE PUBLIC SAFETY OFFICER PROGRAM UPDATES**

HOUSE JUDICIARY COMMITTEE

MARCH 11, 2020



## VPSO WORKING GROUP INTRO AND BACKGROUND



Formed by legislative leadership  
May, 2019



Working group members:

Senator Donny Olson, Co-Chair;  
Senator Click Bishop;  
Senator Mike Shower;  
Representative Bryce Edgmon; and  
Representative George Rauscher



## **VPSO GRANTEE ORGANIZATIONS**

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## VPSO GRANTEE ORGANIZATIONS

Chugachmiut.  
Copper River Native Association  
Aleutian Pribilof Islands Association  
Kodiak Area Native Association  
Kawerak  
Northwest Arctic Borough  
Association of Village Council Presidents  
Bristol Bay Native Association  
Tanana Chiefs Association  
Central Council of Tlingit & Haida Indian Tribes of Alaska

## WORKING GROUP ASSIGNMENT



Coordinate with stakeholders to examine the underlying causes of the recruitment and retention obstacle and provide proposals to turn around the rate of personnel turnover within the VPSO program.



Working Group Active August – December 2019



Met twice in January to review, then adopt the working group's report.



## **FROM WORKING GROUP TO BILL INTRODUCTION**

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## FROM WORKING GROUP TO BILL INTRODUCTION



May 9, 2019, Senate President and House Speaker create VPSO Working group

Working Group Activities August 2019 – January 2020

Working Group Reviews Report 1<sup>st</sup> Draft January 9

Working Group Adopt Report  
January 24

HB 287 Introduced  
February 24

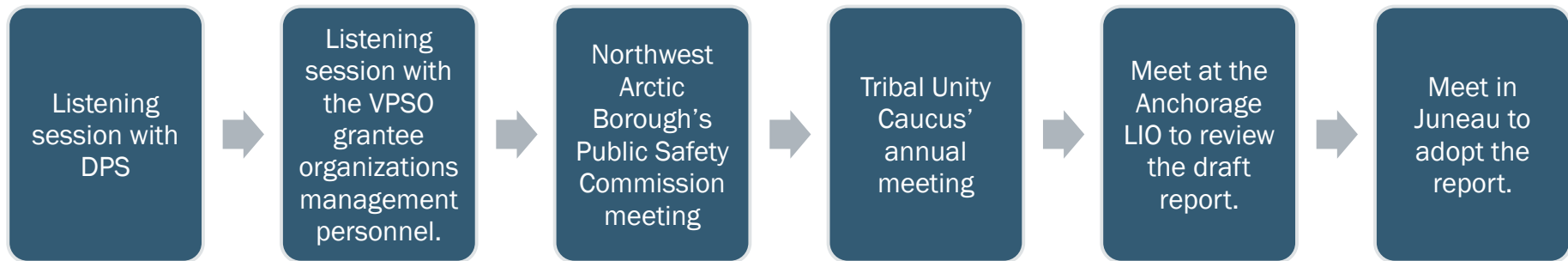


## **FULL WORK GROUP ACTIVITIES**



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## FULL WORK GROUP ACTIVITIES

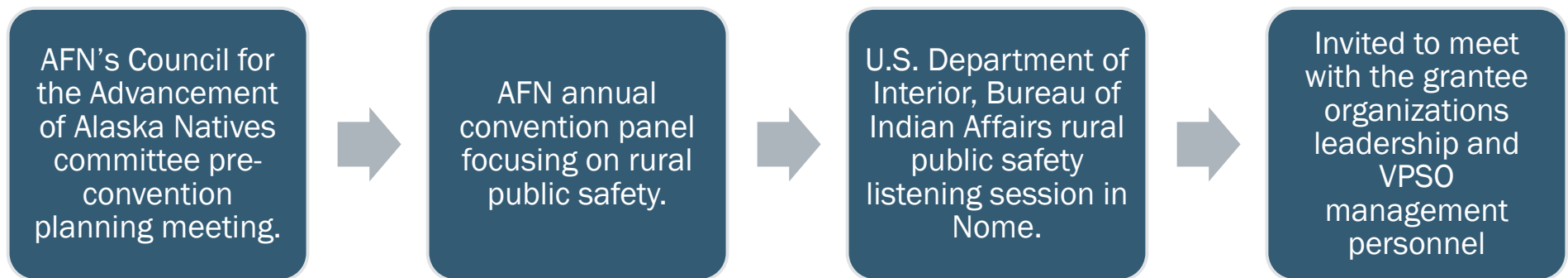




# CO-CHAIR ACTIVITIES

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## CO-CHAIR ACTIVITIES



## VPSO WORKING GROUP LONG TERM RECOMMENDATIONS

Continue working with federal partners on:

- Training: with formal state tribal recognition, tribes may be able access federal law enforcement training programs;
- Greater recurring federal funds for public safety: Alaska is a Federal P.L. 280 state where states have concurrent criminal jurisdiction with Tribes, unlike non-P.L.280 states. The BIA historically does not request tribal court or law enforcement appropriations for P.L 280 states, making the law an unfunded mandate for P.L. 280 tribes and states.

Explore passing a state version of the Indian Self-Determination and Education Assistance Act. If passed, the state could formally compact with tribes and offer the maximum amount of program design/redesign and financial flexibility for the various VPSO grantees;

Consider creating upward mobility for VPSO positions: either through compacting or state statutory changes or both, consider providing for different levels of VPSO personnel related to levels of training; the highest VPSO level being equivalent in function, training, and pay to a State Trooper.

Work to define the true cost of providing fully operational public safety services throughout rural Alaska

### **Recommendation 1**

Update the VPSO statutes to provide a clear law enforcement and public safety vision and mission for the program and provide VPSO personnel clear law enforcement duties and powers.

### **Recommendation 2**

Create more financial flexibility for the VPSO grantee organizations in the updated VPSO statutes.

### **Recommendation 3**

Restore VPSO funding levels to FY18 levels.

### **Recommendation 4**

Fund unfunded mandates.

### **Recommendation 5**

Related to Recommendation 4, in an updated VPSO statute, mandate that grant awards pay grantee organization their full indirect costs.

### **Recommendation 6**

Move financial grant management to the Department of Commerce, Community, and Economic Development.

### **Recommendation 7**

Maintain operational advisory, training, and experience requirement oversight at the Department of Public Safety.

### **Recommendation 8**

In statute create a Tribal/Grantee organization consultation process before the Department can change training and experience requirements.

### **Recommendation 9**

Revised versions (consistent with the recommendations of the Working Group report) of current VPSO regulations need to be placed in statute in order to operationalize the VPSO program and to facilitate the grant management moving to the Department of Commerce.

VPSO Duties	State Trooper Statutory Duties
<p>There is created in the Department of Public <u>Safety</u> a village public safety officer program to assist local governments and villages through nonprofit regional corporations, Alaska Native Organizations, or municipalities to</p> <p style="padding-left: 40px;">appoint, train, supervise, and retain persons to serve as village public safety officers to administer functions</p> <p>relative to</p> <ul style="list-style-type: none"> <li>• the protection of life and property in rural areas of the state; and</li> <li>• providing probation and parole supervision to persons under supervision by communicating with and monitoring the activities and progress of these persons at the direction of probation and parole officers</li> </ul> <p>Alaska Stat. § 18.65.670</p>	<p>The Department of Public Safety and each member of the state troopers is charged with</p> <ul style="list-style-type: none"> <li>• the enforcement of all criminal laws of the state, and</li> <li>• has the power of a peace officer of the state or a municipality <u>and</u></li> <li>• those powers usually and customarily exercised by peace officers.</li> <li>• Each member of the state troopers may <ul style="list-style-type: none"> <li>○ prevent crime,</li> <li>○ pursue and apprehend offenders,</li> <li>○ obtain legal evidence,</li> <li>○ institute criminal proceedings,</li> <li>○ execute any lawful warrant or order of arrest,</li> <li>○ make an arrest without warrant for a violation of law committed in the presence of the state trooper, and</li> <li>○ may cooperate with other law enforcement agencies in <ul style="list-style-type: none"> <li>▪ detecting crime,</li> <li>▪ apprehending criminals, and</li> <li>▪ preserving law and order in the state.</li> </ul> </li> </ul> </li> </ul> <p>Alaska Stat. § 18.65.080</p>

Sec. 4,  
Reenacted VPSO  
statute with clear  
law enforcement  
duties in statute.

Version K

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\* Sec. 3. AS 18.65.670 is repealed and reenacted to read:

**Sec. 18.65.670. Village public safety officer program.** (a) The village public safety officer program is created in the Department of Public Safety, with funding appropriated to the Department of Commerce, Community, and Economic Development and disbursed through grants made under this section. The purpose of the program is to appoint, train, supervise, and retain persons to serve as village public safety officers to administer functions related to

- (1) the protection of life and property in the state, including through
  - (A) fire prevention and suppression;
  - (B) provision of emergency medical services; and
  - (C) participation in and management of search and rescue efforts for missing or injured persons;
- (2) providing probation and parole supervision to persons under supervision by communicating with and monitoring the activities and progress of these persons at the direction of probation and parole officers;
- (3) conducting investigations;
- (4) enforcing
  - (A) the criminal laws of the state, a municipality, or a village;
  - (B) statutes or ordinances of the state, a municipality, or a village punishable as a violation; and
- (5) providing local training programs on public safety.

How (a) it looked leaving the prior committee. The duties along with requested new language has been moved to a new statute in bill section 4.

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\* **Sec. 3.** AS 18.65.670 is repealed and reenacted to read:

**Sec. 18.65.670. Village public safety officer program.** (a) The village public safety officer program is created in the Department of Public Safety, with funding appropriated to the Department of Commerce, Community, and Economic

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CSHB 287(TRB)

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Development and disbursed through grants made under this section. The purpose of the program is to appoint, train, supervise, and retain persons to serve as village public safety officers.



This shows the version G VPSO powers and duties.

- 14                   **Sec. 18.65.686. Powers and duties of village public safety officers.** A village  
15 public safety officer has the power of a peace officer of the state or a municipality and  
16 is charged with
- 17                   (1) the protection of life and property in the state, including through
    - 18                         (A) fire prevention and suppression;
    - 19                         (B) provision of emergency medical services; and
    - 20                         (C) participation in and **management** of search and rescue
  - 21                   efforts for missing or injured persons;
  - 22                   (2) providing probation and parole supervision to persons under
  - 23 supervision by communicating with and monitoring the activities and progress of these
  - 24 persons at the direction of probation and parole officers;
  - 25                   (3) conducting investigations;
  - 26                   (4) enforcing
    - 27                         (A) the criminal laws of the state or a municipality;
    - 28                         (B) statutes or ordinances of the state, a municipality, or a
    - 29 village punishable as a violation;
  - 30                   (5) providing local training programs on public safety; and
  - 31                   (6) **the powers usually and customarily exercised by a peace officer.**

## SEC. 3

Change to repealed and reenacted AS 18.65.870(d)

Adds a new paragraph (4) a requirement for a grantee to carry specific insurance coverage.

26 (d) The Department of Commerce, Community, and Economic Development  
27 shall enter into a written agreement with a grant recipient before providing grant  
28 funding. The agreement must require the grant recipient to  
29 (1) comply with state and federal law;  
30 (2) provide a salary and benefit schedule for the village public safety  
31 officer; and

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1 (3) be named as the employer of the village public safety officer.

- 1                   (3) be named as the employer of the village public safety officer; and
- 2                   (4) maintain insurance, independently or with the assistance of the
- 3 Department of Public Safety, that includes coverage for premiums as follows:
- 4                   (A) workers' compensation insurance as required under
- 5 AS 23.30;
- 6                   (B) comprehensive general liability insurance, including
- 7 professional practice insurance for police with
- 8                   (i) a limit not less than \$1,000,000; and
- 9                   (ii) the state, including an officer, employee, or agent of
- 10 the state, listed as an additional named insured.

## SEC. 3 VERSION K

- Delete (e) of repealed and reenacted VPSO statute AS 18.65.670.
- Codification of DPS regulation 13 AAC 96.050
- Reason: Do not want to manage the grantees down to the sub-grantee level in statute.
- Remaining subsections in the statute renumbered.
- Conforming changes throughout now that (e) was removed.

(e) A grant recipient shall enter into a written agreement with a village before using grant money to provide a village public safety officer in that village. The agreement must

(1) be similar to other agreements between the grant recipient and other villages in the region served by the grant recipient;

(2) require compliance with state and federal law; and

(3) describe the village public safety officer position.

## SEC. 3

- Rewrite (f) of repealed and reenacted VPSO statute AS 18.65.670 to provide VPSO staffing flexibility for grantee organizations.
- Version K was the codification of DPS regulation 13 AAC 96.040

23                   (f) A grant recipient shall provide one village public safety officer for each  
24 village in a grant agreement entered into under (d) of this section unless an application  
25 for a second full-time position is approved by the Department of Commerce,  
26 Community, and Economic Development.

27                   (g) A grant recipient may assign a traveling village public safety officer to  
28 serve multiple villages within the grant recipient's region if each village to which the  
29 officer is assigned enters into an agreement with the grant recipient under (e) of this  
30 section.

17 (e) ~~A grant recipient shall enter into a written agreement with a village before~~  
18 ~~using grant money to~~ An award of grant funding must provide ~~a village public safety~~  
19 ~~officer in that village. The agreement must~~

20 (1) ~~be similar to other agreements between the grant recipient and~~  
21 ~~other villages in the region served by the grant recipient;~~

22 (2) ~~require compliance with state and federal law; and~~

23 (3) ~~describe the village public safety officer position.~~

24 ~~(f) A grant recipient shall provide~~for one village public safety officer for each  
25 village included in a grant agreement entered into under (d) of this section ~~unless an~~  
26 ~~application for a second full time position is approved by the.~~ A grant recipient may  
27 assign more than one village public safety officer to a village and request additional  
28 funding for the additional village public safety officer. The Department of Commerce,  
29 Community, and Economic Development may approve the request for additional  
30 funding if the grant recipient provides justification reasonably related to the duties of a  
31 village public safety officer and other public safety needs.

(e) An award of grant funding must provide for one village public safety officer for each village included in a grant agreement entered into under (d) of this section. A grant recipient may assign more than one village public safety officer to a village and request additional funding for the additional village public safety officer. The Department of Commerce, Community, and Economic Development may approve the request for additional funding if the grant recipient provides justification reasonably related to the duties of a village public safety officer and other public safety needs.

(f) A grant recipient may assign a traveling village public safety officer to serve multiple villages within the grant recipient's region.

(h) A grant recipient shall

(1) keep original financial, personnel, and other records relating to a village public safety officer for at least three years after the officer's termination of employment and, upon request, provide that information to the Department of Commerce, Community, and Economic Development or the Department of Public Safety;

(2) provide annual financial audits to the Department of Commerce, Community, and Economic Development;

(3) facilitate site visits by the Department of ~~Commerce, Community, and Economic Development or the Department of~~ Public Safety to monitor public safety officer performance and compliance with state and federal law;

(4) notify the Department of Commerce, Community, and Economic Development if the grant recipient ~~or village~~ fails to comply with state or federal law ~~or an agreement entered into under (e) of this section;~~

Sec. 3 – reenacted AS 18.65.670.

Changes to version K

Clarify roles between DCCED and DPS

Take “village” out as to not be managing the program to the sub-grantee level in statute.



## SEC. 3

- Changes to version K
- Repealed and reenacted VPSO statute AS 18.65.670
- Make clear the consultation requirement also applies to the department of corrections.

24                    (~~h~~) The commissioner of public safety may, in consultation with grant  
25 recipients, as provided in (~~h~~) of this section, adopt regulations related to village public  
26 safety officers, including establishing minimum standards and training, physical  
27 fitness requirements, criteria for participation by a community, a municipality, an  
28 Alaska Native organization, a federally recognized tribe, or a corporation, and the  
29 interaction between the Department of Public Safety and village public safety officers.  
30 If the commissioner of public safety adopts regulations regarding training for village  
31 public safety officers, the training must be consistent with the standards in

CSHB 287( )

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1 AS 18.65.676 and disability training under AS 18.65.220(3). The commissioner of  
2 corrections may, in consultation with grant recipients, adopt regulations related to the  
3 functions of village public safety officers providing probation and parole supervision.



## **CHANGE TO VERSION G**

- New statute AS 18.65.672: Insert a new (B) for all sexual offense convictions, renumber following subparagraphs and add the sexual offense convictions as one with a lifetime bar to qualifying as a VPSO.
- Based on 13 AAC 96.080
- After the newly numbered (C) in the same section add waiver language for access to CJIS,

\* Sec. 4. AS 18.65 is amended by adding new sections to read:

**Sec. 18.65.672. Village public safety officer qualifications.** (a) A grant recipient may employ a person as a village public safety officer if the individual

(1) is at least 21 years of age;

(2) is a citizen of the United States or a resident alien;

(3) has obtained a high school diploma or a general education development diploma or its equivalent;

(4) satisfies the physical requirements established in regulation by the Department of Public Safety;

(5) has not been previously convicted

(A) of a felony crime against a person under AS 11.41;

(B) of a felony crime, other than a felony under (A) of this paragraph, unless at least 10 years have passed since the date of the conviction;

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(5) has not been previously convicted

(A) of a felony crime against a person under AS 11.41;

(B) of a sex offense as defined in AS 12.63.100;

(C) of a felony crime, other than a felony under (A) or (B) of this paragraph, unless at least 10 years have passed since the date of the conviction and the Department of Public Safety grants a waiver allowing the individual to access the criminal justice information system;



## **CHANGE TO VERSION G**

- New statute AS 18.65.672 VPSO Qualifications
- Based on current 13 AAC 96.080
- Adding a waiver provision for access to CJIS for misdemeanor convictions.

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3 (5) has not been previously convicted

4 (A) of a felony crime against a person under AS 11.41;

5 (B) of a sex offense as defined in AS 12.63.100;

6 (C) of a felony crime, other than a felony under (A) or (B) of  
7 this paragraph, unless at least 10 years have passed since the date of the  
8 conviction and the Department of Public Safety grants a waiver allowing the  
9 individual to access the criminal justice information system;

10 (D) of a misdemeanor crime involving domestic violence  
11 unless at least 10 years have passed since the date of the conviction and the  
12 Department of Public Safety grants a waiver allowing the individual to access  
13 the criminal justice information system;



## **CHANGE TO VERSION G**

- New statute AS 18.65.672 VPSO Qualifications
- Based on current 13 AAC 96.080
- Dealing with number of DUIs before being disqualified from becoming a VPSO: Delete “three” and insert “two” in its place.

2 (E) three or more times of

3 (i) misdemeanor operating a vehicle, aircraft, or  
4 watercraft while under the influence of an alcoholic beverage, inhalant,  
5 or controlled substance under AS 28.35.030;

6 (ii) misdemeanor refusal to submit to a chemical test  
7 under AS 28.35.032; or

8 (iii) a combination of the offenses in (i) and (ii) of this  
9 subparagraph;

(F)[(E)] two [THREE] or more times of

(i) misdemeanor operating a vehicle, aircraft, or watercraft while  
under the influence of an alcoholic beverage, inhalant, or controlled substance  
under AS 28.25.030.

. . . .



## CHANGE TO VERSION G

- New statute AS 18.65.672 VPSO Qualifications
- Based on current 13 AAC 96.080
- Delete “use” and insert “possession” in its place.

13                    (G)    of use of a controlled substance as defined in  
14                    AS 11.71.900, other than marijuana, if less than 10 years has elapsed since the  
15                    individual's use;

(G) of possession [USE] of a controlled substance as defined in  
AS 11.71.900, other than marijuana, if less than 10 years has elapsed since the individual's use;

## CHANGE TO VERSION G

- New statute AS 18.65.674 Background investigations
- Based on current 13 AAC 96.090.
- Delete “commerce, community, and economic development” and insert “public safety” in its place.

**Sec. 18.65.674. Background investigations.** (a) Before employing an individual as a village public safety officer, a grant recipient shall

(1) submit to the commissioner of public safety [COMMISSIONER OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT]



## **CHANGE TO VERSION G**

Same statute, the next subsection: Delete “Department of Commerce, Community, and Economic Development,”

(b) Personnel and training information that the [DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT, THE] Department of Public Safety, or a grant recipient receives about a village public safety officer is confidential and available only for review . . . .



## **CHANGE TO VERSION G**

- New statute AS 18.65.676 VPSO Training
- Based on current 13 AAC 96.100
- Insert “(v) domestic violence;
- (vi) sexual assault;

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13                    **Sec. 18.65.676. Training.** (a) A village public safety officer basic training  
14 program must provide

15                    (1) a physical training program that includes instruction in physical  
16 methods of arrest, use of batons, use of chemical defensive weapons, and electronic  
17 control weapons;

18                    (2) at least 826 hours of instruction as follows:

19                    (A) 650 hours of instruction in

20                    (i) Alaska criminal and procedural law;

21                    (ii) the Alaska criminal justice system;

22                    (iii) police procedures;

23                    (iv) disabilities under AS 18.65.220(3);

24                    (v) domestic violence and sexual assault prevention and  
25 response procedures; and

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**SAME STATUTE--THEN, DELETE THE SPECIFIC HOURS OF (A)(1)(2)(B)-(D) SO IT READS:**

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- (B) 40 hours of emergency trauma technician training;
- (C) 40 hours of search and rescue training; and
- (D) 96 hours of rural fire protection specialist training.

(B) **176 hours of instruction in**

- (i)**[(C) 40 hours of] emergency trauma technician training;
- (ii)**[(D) 40 hours of] search and rescue training; and
- (iii)** [40 hours of] rural fire protection specialist training.

## CHANGE TO VERSION G

New statute AS 18.65.686—VPSO powers and duties.

Provides the powers attach after VPSO obtains certification.

27                   **Sec. 18.65.686. Powers and duties of village public safety officers.** A village  
28                   public safety officer who is **certified under AS 18.65.682** has the power of a peace  
29                   officer of the state or a municipality and is charged with



## **CHANGE TO VERSION G**

- New statute AS 18.65.686—VPSO powers and duties.
- Delete “management” and insert “coordination” in its place.



14                   **Sec. 18.65.686. Powers and duties of village public safety officers.** A village  
15 public safety officer has the power of a peace officer of the state or a municipality and  
16 is charged with

17                   (1) the protection of life and property in the state, including through

18                               (A) fire prevention and suppression;

19                               (B) provision of emergency medical services; and

20                               (C) participation in and management of search and rescue  
21 efforts for missing or injured persons;

(C) participation in and **coordination** [MANAGEMENT] of search  
and rescue efforts for missing or injured persons.



## **CHANGES TO VERSION G**

- Same statute
- Delete “or a village”, then insert after “violation: “if the village public safety officer has training in enforcing traffic laws”

22 (2) providing probation and parole supervision to persons under  
23 supervision by communicating with and monitoring the activities and progress of these  
24 persons at the direction of probation and parole officers;

25 (3) conducting investigations;

26 (4) enforcing

27 (A) the criminal laws of the state or a municipality;

28 (B) statutes or ordinances of the state, a municipality, or a  
29 village punishable as a violation;

10 (B) statutes or ordinances of the state or municipality  
11 punishable as a violation if the certified village public safety officer has  
12 completed training in that field of violation enforcement;

## CHANGE TO VERSION G

New Statute AS 18.65.688

**Sec. 18.65.688. Definitions.** In AS 18.65.670 – 18.65.688,

....

(5) “village” means a community with a population less than 2,500 [2,000] based on the most recent federal census.